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December 20, 2005

Hon. William H. Pauley III  
United States District Judge  
United States Courthouse  
500 Pearl Street, Room 2210  
New York, New York 10007-1581

Re: United States v. Ulysses Thomas Ware and Jeremy Jones, 05 Cr. 1115 (WHP)

Dear Judge Pauley:

The court should not entertain the government's request. Mr. Jones and his family need additional time to comply with the conditions of the magistrate concerning the bail. I request the court allow this matter to be decided on our next scheduled court conference on January 6, 2006.

Mr. Jones' mother, Jane Jones, has been very helpful throughout the entire process. She has agreed to allow her home to be used to secure a portion of the bail package for Mr. Jones. She has also agreed to be one of the three (3) financially responsible individuals mandated to sign the bond. However, Mr. Jones' pre-trial services officer in Atlanta has not been very helpful. Ms. Jones has been in contact with, Amy Roberts, for over four (4) weeks concerning this issue. Ms. Roberts has not returned repeated calls by Ms. Jones. Ms. Jones has not been able to sign the bond because she has received no assistance from Ms. Roberts. Additionally, the government has had no contact, to my knowledge, with any of the pre-trial services personnel in Atlanta concerning Mr. Jones. The government did not communicate with anyone in Atlanta, to my knowledge, that Ms. Jones was an acceptable candidate for the bond.

Finally, Mr. Jones has been unable to secure any viable candidate to be the third signatory of the bond. I request that the court allow for additional time for Mr. Jones to secure a third signer of the bond.

The government's request for a court date this week is fantasy at best. Given the late notice of the request and the current work stoppage it is not possible for me to be in court before Thursday or Friday of this week. Mr. Jones has purchased tickets to be in court for our scheduled court date

on January 6, 2005. I will be out of the state from December 25, 2005 through January 2, 2006. I would request that the court keep the same court date and allow the parties to work out their differences between now and then.

The government's response is typical of the heavy handed approach it has used against Mr. Jones. I have reviewed the discovery in this matter. This prosecution arose out of an investigation commenced by the Securities and Exchange Commission (S.E.C.) of Mr. Ware's company. I have spoken with the lead S.E.C. attorney on this case, Jeff Norris, concerning Mr. Jones. Mr. Jones was never made a defendant in the S.E.C. investigation. He gave them his full cooperation without an attorney for several months; as is evidenced by the transcripts turned over during the government's own discovery. The government has not only turned him from a potentially valuable witness into a defendant, they now seek to detain him in New York for the length of the case. I urge the court to decide these matters during our conference.

Sincerely,

Marlon G. Kirton, Esq.

cc: Alexander H. Southwell, Assistant United States Attorney